

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

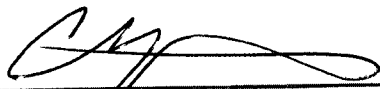
JO ANN HOWARD AND ASSOCIATES, P.C.,)	
SPECIAL DEPUTY RECEIVER OF LINCOLN)	
MEMORIAL LIFE INSURANCE COMPANY,)	
MEMORIAL SERVICE LIFE INSURANCE)	
COMPANY, AND NATIONAL)	
PREARRANGED SERVICES, INC.; ET AL.,)	
)	
Plaintiffs,)	Case No. 09-CV-1252-ERW
v.)	
)	
J. DOUGLAS CASSITY; RANDALL K.)	
SUTTON; BRENT D. CASSITY; J. TYLER)	
CASSITY; RHONDA L. CASSITY; ET AL.,)	
)	
Defendants.)	

**STIPULATED VOLUNTARY DISMISSAL WITHOUT PREJUDICE
OF COMPLAINT AGAINST DEFENDANT WISE MITCHELL AND ASSOCIATES**

Plaintiffs and Defendant Wise Mitchell and Associates, Ltd., under Fed. R. Civ. P. 41(a)(2), request an Order of the Court approving dismissal *without prejudice* of Plaintiffs' claims against Defendant Wise Mitchell and Associates, Ltd., as contained in Plaintiffs' Third Amended Complaint. Defendant Wise Mitchell and Associates, Ltd. has not pleaded a counterclaim or filed a motion for summary judgment. Defendant Wise Mitchell and Associates, Ltd. and Plaintiffs' counsel agree to this dismissal without prejudice. Plaintiffs' dismissal without prejudice against Defendant Wise Mitchell and Associates, Ltd. shall not affect Plaintiffs' claims contained in Plaintiffs' Third Amended Complaint against the remaining defendants. Plaintiffs and Defendant Wise Mitchell and Associates, Ltd. stipulate and agree to this dismissal without prejudice.

**DEFENDANT WISE MITCHELL AND ASSOCIATES, LTD.'S
CONSENT TO DISMISSAL WITHOUT PREJUDICE**


Defendant Wise Mitchell and Associates, Ltd. consents to, and requests the Court to enter the attached order, granting this stipulated dismissal without prejudice.



Defendant Wise Mitchell and Associates,
Ltd.

By Clifton Mitchell, sole member of Dawa
Management, LLC, the general partner of
Wise Mitchell and Associates, Ltd.

Approved by:



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*Attorney for Defendant Wise Mitchell and
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Dated this 12th day of September, 2012.

Respectfully submitted,

s/ Wendy B. Fisher

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Attorneys for Plaintiffs Jo Ann Howard and Associates,
P.C., in its capacity as Special Deputy Receiver of Lincoln
Memorial Life Insurance Company, Memorial Service Life
Insurance Company, and National Prearranged Services,
Inc.; the National Organization of Life and Health
Insurance Guaranty Associations; the Missouri Life &
Health Insurance Guaranty Association; the Texas Life &
Health Insurance Guaranty Association; the Illinois Life &
Health Insurance Guaranty Association; the Kansas Life &
Health Insurance Guaranty Association; Oklahoma Life &
Health Insurance Guaranty Association; the Kentucky Life
& Health Insurance Guaranty Association; and the
Arkansas Life & Health Insurance Guaranty Association

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2012, the foregoing STIPULATED VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF COMPLAINT AGAINST DEFENDANT WISE MITCHELL AND ASSOCIATES, LTD. was filed electronically with the Clerk of Court and served by operation of the Court's electronic filing system upon all counsel of record in this case participating in Electronic Case Filing.

I hereby further certify that on September 12, 2012, the foregoing was mailed by United States Postal Service to the following non-participants in Electronic Case Filing:

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